

D/c

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MICHELLE CARTER, et al.,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.,

Defendants.  
-----X

NICHOLAS G. GARAUFIS, United States District Judge.

**ORDER**

**14-CV-7165 (NGG) (RLM)**

On December 8, 2014, Plaintiffs Michelle Carter, Joseph Ested, Terrell Hall, Herman Martinez, Percy Meertens, Carlos Patterson, and Ayesha Shaheed (collectively, "Plaintiffs") initiated this action against Defendants the City of New York, the Fire Department of the City of New York, and New York City Department of Citywide Administrative Services (collectively "Defendants"), alleging that Defendants intentionally refused to hire Plaintiffs as entry-level firefighters because of their race, color, and/or national origin, in violation of federal, state, and local law. (Compl. (Dkt. 1).) On June 10, 2015, Defendants moved to dismiss the Complaint. (Mot. to Dismiss (Dkt. 16).) On June 15, 2015, the court referred the motion to Magistrate Judge Roanne L. Mann for a Report and Recommendation (R&R) pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (June 15, 2015, Order.) On December 11, 2015, Judge Mann issued an R&R recommending that the court grant Defendants' motion to dismiss with regard to all of Plaintiffs' federal claims, and decline to exercise supplemental jurisdiction over Plaintiffs' remaining claims. (R&R (Dkt. 25) at 38.)

No party has objected to Judge Mann's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 38 ("Any objections to the recommendations contained in this Report and Recommendation must be filed . . . on or before December 28, 2015. Failure to

file objections in a timely manner may waive a right to appeal the District Court order.”.)

Therefore, the court reviews the R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at \*1 (E.D.N.Y.

Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28

U.S.C. § 636(b)(1). The court reviewed the well-reasoned R&R and found no errors; thus, the court ADOPTS the R&R in full. Accordingly, the Clerk of Court is respectfully directed to enter judgment for Defendants and close the case.

SO ORDERED.

Dated: Brooklyn, New York  
January 6, 2016

s/Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge